



POLICY AND ADMINISTRATIVE PROCEDURES

Manual of Policies and Procedures

Title

STUDENT GRIEVANCE PROCESS

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-11-1-1 <i>et.seq.</i>	00-01-102 02-04-101 01-04-101 03-02-104 02-01-101 02-03-102	ACA: CO: 2-CO-3C-01 JTS: 1E-02, 3D-09, 5B-02-1, 5H-04

I. PURPOSE:

The purpose of this policy and administrative procedures is to provide an administrative process for students to resolve concerns relating to their conditions of confinement in the Department of Correction.

II. POLICY STATEMENT:

The Department shall develop a student grievance process that allows students to raise issues regarding the conditions of their confinement. The intent of the Student Grievance Process is:

- To provide a mechanism for students to express concerns;
- For the efficient and fair resolution of legitimate student concerns; and,
- For the effective management of facilities and the Department.

Department staff members will be responsive to the concerns of the students. Student grievances will be resolved as soon as possible.

Students shall be instructed in the student grievance program and shall be provided access to this policy and its administrative procedures.

The Department shall ensure that this administrative process provides:

- A. An available channel for hearing and resolving concerns of students;
- B. Assistance in resolving all issues or concerns;
- C. Specific time limits at each review to ensure timely responses;
- D. A fair and prompt decision and action in response to concerns;
- E. A management tool for administrators; and,
- F. Assurance that participation will not result in retaliation.

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III. DEFINITIONS:

For the purpose of this policy and its administrative procedures, the following definitions are presented:

- A. **APPEAL:** The submission through the Grievance Specialist of a grievance following the receipt of a response to a higher level of review.
- B. **EMERGENCY GRIEVANCE:** A grievance filed by a student based upon a situation or condition which presents a potential and substantial risk to the life or safety of the student or when irreparable harm to the student's health is imminent.
- C. **GRIEVANCE SPECIALIST:** The staff person at a facility who is designated by and reports directly to the Facility Head to oversee the operation of the Student Grievance Process at the facility.
- D. **GRIEVANCE:** A written report made by a student asking for the resolution of a problem, incident or concern that has happened while he/she has been confined in the Department.
- E. **MAINLINE:** The formal movement of students at mealtime, including the time when a student is in line waiting on a meal in the Food Services area.
- F. **REMEDY:** A meaningful response, action or resolution to a grievance.
- G. **REPRISAL:** Any act or threat of action against anyone for the legitimate and honest use of or participation in the Student Grievance Process.
- H. **WORKING DAY:** Monday through Friday, excluding any holidays recognized and observed by the State of Indiana.

IV. USE OF THE STUDENT GRIEVANCE PROCESS:

Students may initiate the grievance process when they have a problem, incident or concern that affects them personally.

Students who choose to use the Student Grievance Process legitimately and honestly, at any step, shall not be subject to reprisal by staff or other students. Students shall not be the subject of disciplinary action for the legitimate and honest use of the Student Grievance Process.

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Students may submit a STUDENT GRIEVANCE (ATTACHMENT

A) with or without attempting a verbal resolution with facility staff first.

Issues which students may submit a grievance on include, but are not limited to:

- A. Policies, procedures and rules of the Department or facility;
- B. Words and actions of individual staff, contractors or volunteers;
- C. Acts of reprisal for the legitimate and honest use of, or participation in, the Student Grievance Process; and,
- D. Other concerns relating to conditions of care within the Department or its contractors, except as noted in these administrative procedures.

Some issues cannot be resolved by the Department or facility. Issues not covered by the Student Grievance Process include, but are not limited to:

- A. Federal, state and local law;
- B. Court actions and decisions, including pre-sentence investigation reports;
- C. Classification actions or decisions;
- D. Disciplinary actions or decisions;
- E. Contents of grievance or appeal responses;
- F. Any matter over which the Department has no control; and,
- G. Loss, damage or destruction of a student's personal property where the student is seeking reimbursement or a monetary award for such loss.

X. GRIEVANCE SPECIALIST:

Each Facility Head shall appoint a staff person to serve as Grievance Specialist.

This staff person shall have the ability to review student grievances, conduct necessary investigations and render a decision on behalf of the facility. In grievance matters, the Grievance Specialist shall report to the Facility Head.

The duties of the Grievance Specialist shall include, but is not limited to:

- A. Receive student grievances and review these grievances in an impartial manner to determine those that may need priority handling due to their nature and to ensure that any grievances received comply with this policy and administrative procedures;
- B. Meet with students within 24 hours of a request to: answer questions about the student grievance process; allow them access to resolving issues before filing a grievance; and, to allow them private access when they are concerned about confidentiality in submitting a written form.

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- C. Assist the Facility Head in the appointment of staff at the Unit Team level to serve as first line responders to student grievances and ensure that an adequate number of staff persons on all shifts are trained in the Student Grievance Process so that there will be staff available at all times to receive and respond to student grievances;
- D. Assist staff as needed to resolve student grievances;
- E. Monitor the number and the nature of the grievances being received and the types of remedies being provided to the students to determine whether any potential trends are appearing;
- F. Log grievances upon receipt and ensure that a Grievance Log is maintained indicating: the date the grievance was received; the content of the grievance; actions taken regarding the investigation of the grievance; the disposition of the grievance not resolved at the informal level; and, the grievance number assigned by the Student Grievance System;
- G. Investigate student grievances and render an impartial decision;
- H. Notify the student of the decision and any remedies that are approved;
- I. Receive grievance appeals and log in the Student Grievance System;
- J. Track grievances to ensure responses are timely and to ensure quality of response language and content;
- K. Prepare monthly reports that summarize the grievances/appeals filed, the living units from which the grievances were filed, and the nature and final outcome of the grievances/appeals;
- L. Submit other reports as requested by the Facility Head and ensure the Facility Head is informed of any significant activity regarding the Student Grievance Process;
- M. Assist in the training of staff and students in the Student Grievance Process and ensure compliance with this policy and its administrative procedures;
- N. Remain current on Student Grievance Process training and assist staff to keep up-to-date on Student Grievance Process training; and,

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- O. Communicate to the Facility Head as needed on serious or systemic issues arising through the Student Grievance Process.

XIII. THE GRIEVANCE PROCESS:

- A. Students may initiate a written grievance when an incident/issue affects them personally and impacts their confinement with or without attempting a verbal resolution with facility staff. Students may choose to request to meet with the Grievance Specialist before filing a grievance if they have questions and need clarification on the grievance process; they desire to resolve their issue verbally before filing a grievance; or, they are concerned about confidentiality in submitting a written grievance.
- B. The Grievance Specialist shall ensure students have easy access to the STUDENT GRIEVANCE (ATTACHMENT A) by maintaining a supply in all housing units and in other locations, such as education and treatment departments. This form shall be accessible to the student in the housing unit without requiring the student to request it from a staff person. If the student cannot obtain this form in the student's housing unit, the student shall contact his/her counselor or the Grievance Specialist. The student shall be provided the form upon request.

In segregation or other units where a student does not have direct access to this form, the student may request that a staff person in that unit assist him/her in obtaining a form. The student shall be provided with the STUDENT GRIEVANCE within 24 hours of the request.

Staff members shall provide students grievance form as soon as possible. In cases where staff cannot provide the form immediately, staff shall provide the student with a STUDENT GRIEVANCE as soon as his/her duties allow and the reason for the delay has concluded.

If students are unable to get a form, or staff members refuse to give them the form, students are directed to contact the Grievance Specialist.

- C. Students are encouraged to file a grievance immediately following the incident in order to improve the chances of an appropriate resolution. However, a student has 10 working days after an incident to file a grievance. The Facility Head may waive this time frame.

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Students shall provide the following information in the STUDENT GRIEVANCE to assist in the investigation, including:

1. Student's name, DOC number, and bed location;
2. What happened or what was said;
3. Name(s) of staff involved, if staff is involved;
4. Date and time of the incident;
5. Location where incident occurred;
6. Names of witnesses; and,
7. Possible resolution to the issue, problem, incident, concern.

The facility shall ensure that a mechanism is in place in each housing unit to ensure that students who are illiterate, who do not speak or write English fluently or who have medical or psychological disabilities have assistance in preparing and submitting a grievance. This assistance may be from other students assigned to assist in the preparation of grievances or staff.

The student submitting the grievance must personally sign and date the form. The student's signature may be waived when the student has transferred, does not know how to write, or is physically unable to write either by restraint or infirmity (disability). In such cases, a staff member is to indicate why the student did not sign the form.

- D. All grievances are to be forwarded to the Grievance Specialist. Upon receipt of the grievance, the Grievance Specialist or designee shall log the grievance and assign a case number within two (2) working days of receipt. The Grievance Specialist shall generate a receipt for the grievance and forward the receipt to the student within one (1) working day from the date the grievance is logged.

Following the logging and assigning of a case number, the Grievance Specialist shall review the grievance to ensure that it contains all of the required information.

A grievance filed in accordance with these administrative procedures shall not be rejected. Problems that may need to be addressed in the grievance include, but are not limited to:

1. The student has made errors, is missing information, or is not clear about the issue at hand: The Grievance Specialist or designee shall meet with the student to correct errors, obtain needed information, or clarify the student's needs and wants concerning the grievance;

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2. A grievance is not submitted on the STUDENT GRIEVANCE form or is not legible: The Grievance Specialist or designee may interview the student and assist in rewriting the grievance or putting it on the correct form;
 3. A student has used vulgar language in the grievance: The Grievance Specialist or designee shall meet with the student and advise the use of vulgarity or profanity is not appropriate, unless it is a direct quote, and assist in re-writing the grievance;
 4. A student submits a grievance with multiple issues: The Grievance Specialist or designee shall meet with the student and explain that a grievance is to cover only one (1) issue and offer to assist the student in breaking down the grievance into multiple grievances, each covering one (1) issue. If the student re-writes the grievance and submits multiple grievances, each grievance shall be processed individually in accordance with these administrative procedures.
 5. The grievance is not signed: The Grievance Specialist or designee staff shall meet with the student to ensure the student submitted the grievance and, if so, obtain the student's signature.
 6. The grievance is submitted on behalf of other student(s): The Grievance Specialist or designee shall meet with the other student(s) and instruct the student(s) to submit a grievance, using the first complaint as a witness statement;
 7. The grievance is submitted on behalf of a student's visitor: The Grievance Specialist or designated staff shall forward the visitor's complaint directly to the Facility Head; or,
 8. Grievances on behalf of a group of students, such as a "class action" grievance: The Grievance Specialist or designee shall contact each student named in the grievance and assist the student in preparing a grievance. In cases where multiple students have filed grievances on the same incident or situation, the Facility Head or designee may post a copy of the response that will not identify the students but will provide the appropriate distribution of information to all students;
- E. Grievances shall not be summarily rejected; instead, the Grievance Specialist shall assist the student in attempting obtain a resolution of the grievance through the proper channels. If the Grievance Specialist

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determines that the student's issue cannot be resolved by the Department or the facility, the Grievance Specialist or designee shall provide specific instruction and assist the student in attempting to resolve the grievance through the proper channels.

- F. When the grievance is complete and ready for investigation, the Grievance Specialist shall determine whether the grievance deals with routine facility operations or falls into the following categories:

- Medical
- Imposition of Non-Contact visits
- Denial of visits with minors
- Denial of request to correspond with another confined person

If the grievance concerns a medical issue, the Grievance Specialist shall forward it to the Facility Health Care Administrator for investigation. If the grievance concerns the denial of visitation with minors due to a sex crime involving a minor, the Grievance Specialist shall contact the local Sex Student Monitoring and Management (SOMM) coordinator to determine whether a SOMM Facility Review needs to be conducted. If the grievance concerns the imposition of non-contact visits or a request to correspond with another confined person, the grievance shall be discussed with the Facility Head or designee.

All other grievances shall be investigated by the Grievance Specialist or staff designated by the Facility Head.

The Grievance Specialist or designee shall have 10 working days from the date the grievance is received to complete the investigation and respond to the student, unless an extension of time is authorized by the Facility Head. The Grievance Specialist or designated staff shall, as needed:

1. Interview staff or students or request written statements from relevant staff or students;
2. Review local procedures;
3. Review relevant Department policies/procedures or other guidelines;
4. Review as necessary inventories, daily logs, medical records, etc;
5. Interview witnesses as appropriate;
6. Interview resource staff (doctors, supervisors, chaplain, etc.) for additional information as necessary; and
7. Take any other responsible action as directed by the Facility Head.

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G. Upon completion of the investigation, the Grievance Specialist shall prepare a response using the appropriate response form. The Grievance Specialist shall ensure that the response is logged in the electronic system and that the grievance response is appropriate and approved by the Facility Head's designee. The response shall include the following information, if applicable:

- Name of the staff person who investigated the grievance;
- Names of witnesses interviewed and/or resource staff consulted (sources of confidential information shall not be disclosed);
- Policy or other guidelines as necessary;
- Evidence found or note inability to find evidence;
- Decision reached and the reason(s) for this decision;
- Corrective action that has been/shall be taken to resolve the issue and a completion date for that action, when known, and actions taken to ensure staff are notified when corrective action is to be taken; and,
- Response that addresses the issue grieved.

The Grievance Specialist shall sign and date the response and ensure that relevant documents are attached to the facility file copy of the grievance.

H. When the response is ready for distribution, the Grievance Specialist shall sign the response and then the Grievance Specialist or designee shall meet with the student within 10 days of receipt of the grievance, unless an extension has been granted, to discuss the results of the investigation.

The Grievance Specialist or designee shall give the student a copy of the grievance and the response. The Grievance Specialist or designee shall read these items to the student, if necessary, discuss them as necessary, and explain any remedies, or explain why the grievance was not resolved in the student's favor. The Grievance Specialist or designee will answer any questions as needed.

The Grievance Specialist/designee shall ask if the student accepts or rejects the facility's response. If the student accepts the response, he/she will check off "accept" and sign where indicated. The case will be considered closed. The Grievance Specialist or designee shall make a copy for the student's packet and for the facility file. When this is complete, the student shall be given the originals for his/her record.

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If the student rejects the response, the Grievance Specialist/designee shall ask the student whether the student wishes to appeal the response to the next level. If the student indicates that he/she does not wish to appeal the response, the student shall check off “reject and I do not wish to appeal” and sign where indicated. If the student indicates that he/she wishes to appeal the response, the student shall check off “reject and I do wish to appeal” and sign where indicated.

If the student does not wish to appeal the rejected response, the case is considered closed and the Grievance Specialist/designee shall make a copy of the response for the student’s packet and for the facility file copy. When these copies have been made, the student shall be given the original response for his/her records. The Grievance Specialist shall indicated in the Student Grievance software that the response was rejected and that no appeal was requested.

If the student rejects the response and does wish to appeal it, the Grievance Specialist/designee shall explain to the student the appeal process. The appeal shall automatically be forwarded along with the typed grievance, the grievance file and the investigation of the grievance to the Facility Head for review and a decision. The Grievance Specialist shall enter into the Student Grievance software that the response was rejected and that the student wanted to appeal the response and the date that the appeal was forwarded to the Facility Head.

XIV. THE APPEAL PROCESS:

The Facility Head or designee in cases where the Facility Head is involved in the grievance, shall be the final reviewing authority for all student grievances in the facility. Once the Facility Head or designee has responded to the appeal, there are no other appeals available within the Department and shall end the student’s administrative remedies for the issues in this grievance

Once the student has rejected the grievance response and indicated that he/she wishes to appeal the response, the Grievance Specialist shall ensure that the grievance and all materials relating to the grievance and its investigation are collected and forwarded to the Facility Head for review.

The Facility Head/designee shall review all of the information received with the appeal. The actions that may be taken by the Facility Head include:

- Concurring with the initial grievance response and denying the appeal;

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- Granting the appeal, in whole or in part;
- Contacting staff for additional information as determined necessary; or,
- Returning the grievance to the Grievance Specialist if it appears the initial investigation did not address the issues raised in the grievance.

If the Facility Head/designee believes that additional information is needed in order to respond to the appeal, the Facility Head/designee shall contact the Grievance Specialist and request additional information. If it appears that the initial investigation by staff at the facility did not address the issues raised in the initial grievance, the Facility Head shall instruct the Grievance Specialist to re-investigate the grievance.

When completing the response to a student's appeal, the Facility Head/designee shall include the following:

1. The names of additional witnesses interviewed and/or resource staff consulted, unless they are confidential;
2. Policies, administrative or operational procedures, operation directives, statutes and other guidelines relied upon to respond, as necessary;
3. Evidence found or the inability to find evidence to support the grievance or grievance response;
4. The decision and the reason(s) for the decision;
5. Corrective action that has been or will be taken to resolve the issue, including a projected completion date for the action, if available;
6. The response must address the original issue grieved;
7. Signature and date the Facility Head/designee approved the response; and,
8. Copies of relevant and newly discovered documents shall be sent to the Grievance Specialist to be maintained with the grievance files

The Facility Head/designee shall complete the investigation and respond to the appeal within 20 working days from the date of receipt, unless the Facility Head/designee notifies, in writing, the student and the Grievance Specialist of a delay. The appeal response shall be prepared using the approved response form.

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When the response is completed, it shall be returned to the Grievance Specialist. The Grievance Specialist shall review the response, log the response, print a copy and ensure that he/she or a designee meets with the student to discuss the response within two (2) working days from the date of receipt of the appeal response.

The Grievance Specialist/designee shall explain the appeal response to the student, including reasons for the decision. The Grievance Specialist/designee shall answer any questions. Once the student indicates that he/she understands the response and has no further questions, the Grievance Specialist/designee shall advise that the student has exhausted the administrative remedies for this grievance. The student shall be asked to sign the response indicating that he/she has received the response and understands the decision. At this point, the grievance is considered closed. The Grievance Specialist shall make a copy for the student's packet and for the facility file copy. The student shall be given the originals for his/her record.

XIX. FOLLOW-UP OF GRIEVANCE:

Following the final resolution of the grievance, either at the initial step or the appeal, the Grievance Specialist shall follow-up with the student to ensure that any approved resolution of the grievance has been completed or provided. The Grievance Specialist shall complete this follow-up meeting with the student within one (1) week following the student being given the final resolution of the grievance.

The Grievance Specialist shall ask the student if the resolution of the grievance has been completed. The Grievance Specialist shall have the student sign a receipt indicating that the grievance has been resolved and that no further action is necessary.

If the Grievance Specialist discovers that the approved resolution has not been provided, the Grievance Specialist shall contact the staff person responsible for providing the resolution and determine why it has not been provided. The Grievance Specialist shall notify the Facility Head of the situation and ensure that the appropriate actions are taken to resolve the grievance as approved.

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XX. APPLICABILITY:

These procedures are applicable to all Department facilities housing juveniles (students) and all students committed to the Department.

Signature on File

Edwin G. Buss
Commissioner

10/29/08

Date